

1. Status of the Claims

Prior to the above amendments, Claims 11-51 were pending in the present application. Claims 52 and 53 have been added above, to further highly preferred aspects of the present invention. These claims are based on portions of Page 5, Lines 10-14 of the specifications, and as such applicant submits that the new claims add no new material to the application.

2. Examiner Interview

Initially, the Applicant would like to thank the Examiner for the time taken and courtesies extended in the telephonic interview conducted on August 6, 2004. As was discussed in that interview, the latest Office Action mailed on May 6, 2004, does not specifically address the support layer of the present invention, which preferably comprises a flexible network layer, as recited in independent Claims 11, 28, 36, and 44, from which the remaining claims of the application (Claims 12-27, 29-35, 37-43, and 45-51) depend. The flexible support layer is discussed in the specification, with reference to Fig. 3, as comprising an openwork structure. The flexible network layer is attached (by bonding, welding, stitching or the like) to the liquid-impermeable sheet, and consists of a material with a high coefficient of friction to help prevent slipping.

In reviewing the May 6, 2004, Office Action, it appears that the particular aspect of the present invention was not addressed by the Examiner. Therefore, the Applicant respectfully requests that the final status of the May 6, 2004, Office Action be withdrawn.

2. Rejection Under 35 U.S.C. §112

The Examiner has rejected Claim 17 under 35 U.S.C. §112, based on the contention that it is indefinite as written. The Examiner based this contention on the language of claim 17 (prior to amendment above), which utilized the relative terminology of “substantially higher than the pile of a normal velour material.” As is known in the art, velour material is generally between 1mm to 3mm thick. To clarify the present claims, Applicant has amended Claim 17 to clarify that the “wooly pile is substantially higher than 3mm.” As amended, Applicant submits that Claim 17 is not indefinite.

3. Rejection Under 35 U.S.C. §102

Substantively, the Examiner rejected Claims 11, 12, 18-20, 23, 25, 26, 28, 29, 32, 33, 35-37, 40, 41, 43-45, 48, 49 and 51, under 35 U.S.C. §102, based on the contention that they are anticipated by one or more of U.S. Patent No. 5,879,487, issued to Ravella (Ravella ‘487), or German Patent No. DE 3 640 374, issued to Tebbe (Tebbe ‘374). Applicant continues to traverse the Examiner’s rejections. Of the rejected claims, Claims 11, 28, 36, and 44, are in independent form. In addition to the previous arguments, Applicant further notes that none of the cited references disclose, *inter alia*, a support layer that comprises a flexible network layer, as claimed in the present invention.

Based on the above, Applicant submits that Claims 11, 12, 18-20, 23, 25, 26, 28, 29,

32, 33, 35-37, 40, 41, 43-45, 48, 49, and 51 should now be in condition for allowance.

4. Rejection Under 35 U.S.C. §103

The Examiner additionally rejected Claims 11-17, 20-23, 24-31, 33, 34, 36-39, 41, 42, 44-47, 49, and 50, under 35 U.S.C. §103(a), based on the contention that they are unpatentable over one or more of Ravella '487, Ravella '487 in view of GB 2,335,627, issued to Hedenberg et al (Hedenberg '627), Tebbe '374 in view of Ravella '487 and Hedenberg '627, Ravella '487 in view of Tebbe '374, U.S. Patent No. 5,612,113, issued to Irwin, Sr. (Irwin '113), and Irwin '113 in view of JP 05-051870 issued to Kawasaki (Kawasaki '870) and U.S. Patent No. 4,908,252, issued to Carnahan et al (Carnahan '252). Applicant traverses the Examiner's rejection of these claims as well. The above discussion addressed the Examiner's rejections based on Ravella '487 and Tebbe '374. The Examiner's rejection based on Irwin '113, however, will be discussed below.

The Examiner specifically rejected Claims 11-17, 20-23, 28-31, 33-34, 36-39, 41-42, 44-47, and 49-50, as being unpatentable over Irwin '113, either alone or in combination with one of the above references. As noted above, Claims 11, 28, 36 and 44 of the present invention are in independent form. Each of these claims includes a "liquid absorbent layer." As was noted in a previous response, Irwin '113 does not include a liquid absorbent layer. Instead, if liquid is introduced into the carpet in Irwin '113, the cushion or pile does not absorb the liquid, it allows it to penetrate. (Irwin '113, Col. 1, Lines 30-33). In doing so, Irwin '113 is then allowed to very rapidly take a piece of textile material to absorb the liquid before penetration occurs. (Irwin '113, Col. 1, Lines 35-37).

Furthermore, one of ordinary skill in the art of liquid absorbing compound structures

would never look to the field of carpets to provide teaching for liquid absorbing structures.

5. Conclusion

Based on the above, the Applicant submits that the pending claims should now be in condition for allowance. Therefore, reconsideration and passage to allowance is respectfully requested.

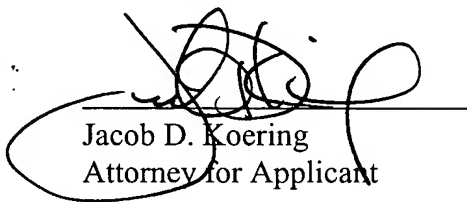
Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & LAKE, LTD.

Dated: October 18, 2004



  
Jacob D. Koering  
Attorney for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop - Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 18, 2004.

Jacob D. Koering

